IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CONTEMPT NOTICE OF MOTION NO. 2481 OF 1996

IN

SUIT NO. 3658 OF 1995

ALONGWITH

C.R.REPORT DT. 26.2.1999

SAU. S.L.AGARWAL & CO. & ORS. ... PLAINTIFFS

... APPLICANTS.

VS.

R.S.MODI & ORS. ... DEFENDANTS.

AND

COURT RECEIVER, HIGH COURT,

BOMBAY. ... RESPONDENTS.

MR. A.D.KANGO FOR THE PLAINTIFFS /APPLICANTS.

MR. SHYAM MEHTA I/B. R.S. SUVARNA FOR THE DEFENDANT NOS. 1 & 5.

CORAM: S.K.SHAH,J.

DATE : July 14, 2006.

P.C.

1. By this motion, action for contempt of the Court of the Order is sought to be taken. The Order Ad interim Order, whereby the Receiver was directed to take

the possession of the properties from the respondents and the contempt notice of motion is taken out as the respondents did not hand over the possession of those properties to the Receiver. The learned Counsel for the Respondents, however, submits that subsequently, the notice of motion was finally decided and the Receiver was directed to make inquiry as to whom the property belongs and then take the possession of the property. The Receiver made inquiry and submitted the Report. In the Report the Receiver observed that the properties, which were required to be handed over to the Receiver, were found to be belonging to the Plaintiffs and, therefore, there was no need to take possession thereof and therefore, there was no question of handing over the possession of the properties.

. Under the circumstances the contempt does not lie. The contempt notice of motion 2481 of 1996 is accordingly disposed of.

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[S.K.SHAH,J.]